

REMARKS

By the foregoing amendments, Applicant has revised claims 1 to 3, 5, 14, 17, 33 to 39, 42 and 43 to define their contribution to this art with more precision. Following these amendments, claims 1 to 14, 17, 18, 33 to 53, 56 and 57 are pending in the application, of which claims 1, 9, 14, 33, 45 and 53 are independent claims. Favorable reconsideration and further examination are respectfully requested.

As an initial matter, Applicant notes that the Summary Sheet of the Office Action indicates that claims 9 to 13, 45 to 53, 56 and 57 have been rejected. The Examiner has provided no basis for these rejections. Applicant assumes that the rejection of these claims was made in error. However, if the Examiner does wish to reject these claims, then Applicant respectfully requests that the Examiner state the basis for the rejections.

Because of the Applicant's use of the term "service" in claim 14, the Examiner rejected claim 14, and claims 17 and 18 which depend on it, under the second paragraph of 35 U.S.C. § 112 for failing to particularly point out and distinctly claim the invention. As shown above, Applicant has amended claim 14 to eliminate the offending term. Applicant therefore respectfully requests withdrawal of the § 112 rejection.

The Examiner also rejected claims 1 to 8 and 33 to 43 under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. In response, Applicant has amended claim 1 so that it now defines the database as providing in a computer-readable medium and supplying a computer system to use that database. Applicant also has amended claim 33 to similarly define supplying a computer system. Support for the

amendments are found on page 5, lines 15 to 18 and page 8, lines 6 to 10 of the specification. Thus, claims 1 and 33, as amended, are directed to statutory subject matter. *See* MPEP § 2106. In view of these amendments, withdrawal of the § 101 rejection is respectfully requested.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-832-1257.

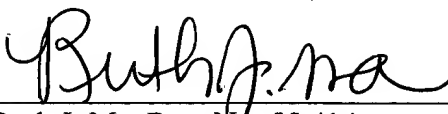
Applicant : Joseph T. Pych
Serial No. : 09/697,233
Filed : October 26, 2000
Page : 15

Attorney's Docket No.: NMC-003.01

Respectfully submitted,

Date: June 23, 2005
Customer No: 25181
Patent Group
Foley Hoag, LLP
155 Seaport Blvd.
Boston, MA 02210-2600

FHBOSTON #3014192-v2.doc


Ruth J. Ma, Reg. No. 55,414
Attorney for Applicant
Tel. No. (617) 832-1257
Fax. No. (617) 832-7000